

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.165.404 applications, 24.165.501 )  
supervision, 24.165.509 instruction, )  
24.165.510 training, 24.165.513 modalities, )  
and 24.165.2301 unprofessional conduct )

TO: All Concerned Persons

1. On June 7, 2007, the Board of Occupational Therapy Practice (board) published MAR Notice No. 24-165-18 regarding the public hearing on the proposed amendment of the above-stated rules, at page 757 of the 2007 Montana Administrative Register, issue no. 11.

2. On June 28, 2007, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Two comments were received by the July 6, 2007, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One commenter opposed the requirement that instructors hold a Montana license stating it would limit course availability and not all states have licensure. The commenter suggested amending ARM 24.165.509(4)(a) to read, "is a licensed or otherwise regulated professional."

RESPONSE 1: The board agrees with the comment and is amending the rule accordingly.

COMMENT 2: One commenter asked whether the new requirement for board pre-approval applies to all instruction providers or if those who are already approved under (2) are exempt from this requirement.

RESPONSE 2: The board acknowledges the potential confusion in the rule and will discuss the issue at a future board meeting.

COMMENT 3: One commenter suggested the board amend the second sentence of ARM 24.165.513(1)(c)(ii)(C) to specify that no more than five hours of proctored treatments in each of sound physical agent modality devices and electrical physical agent modality devices may be counted toward the 40 hour requirement.

RESPONSE 3: The board agrees with the comment and is amending the rule accordingly.

4. The board has amended ARM 24.165.404, 24.165.501, 24.165.510, and 24.165.2301 exactly as proposed.

5. The board has amended ARM 24.165.509 and 24.165.513 with the following changes, stricken matter interlined, new matter underlined:

24.165.509 APPROVED INSTRUCTION (1) through (4) remain as proposed.

(a) is a ~~Montana~~ licensed or otherwise regulated professional allowed to use sound and electrical physical agent modalities or superficial physical agent modalities; and

(b) remains as proposed.

24.165.513 APPROVAL TO USE SOUND AND ELECTRICAL PHYSICAL AGENT MODALITIES (1) through (1)(c)(ii)(B) remain as proposed.

(C) two proctored treatments equal one hour of instruction or training for the purpose of 37-24-106, MCA. No more than five hours of proctored treatments in each modality may count toward the 40 hour instruction or training requirement in sound and electrical physical agent modalities.

(2) remains as proposed.

BOARD OF OCCUPATIONAL THERAPY  
PRACTICE  
DEB AMMONDSON, OTR, CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 10, 2007